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EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/770,056	LETTE ET AL.	
	Examin r	Art Unit	
	Philip C Lee	2154	

-- The MAILING DATE of this communication appears on the cover sh t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on August 23 2004.

2. Claims 1-32 are presented for examination.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

4. The amendment filed August 23, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the association between the resource managing component and the registering consumer operative to attract at least one registering consumer request routed from at least one resource not associated with the registering consumer as cited in claim 31 [i.e. it is unclear how the association operative to attract?].

5. Applicant is required to cancel the new matter in the reply to this Office Action.

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 31 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not teach the association between the resource managing component and the registering consumer operative to attract at least one registering consumer request routed from at least one resource not associated with the registering consumer as cited in claim 31 [i.e. it is unclear how the association operative to attract?].

Claim Rejections – 35 USC 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-9, 22-23, 25, 27-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al, U.S. Patent 6,539,481(hereinafter Takahashi) in view of Patterson et al, U.S. Patent 6,504,913 (hereinafter Patterson).

9. Takahashi and Patterson were cited in the last office action.

10. As per claims 1, 22-23, 30 and 32, Takahashi taught the invention substantially as claimed for pre-allocating at least one resource, comprising:

an identifier adapted to determine whether a consumer utilizing the at least one resource is a registering consumer or a registered consumer (col. 4, lines 16-25, 48-52, 59-66; col. 5, lines 11-17; col. 5, lines 66-col. 6, lines 2);

an associator adapted to associate the at least one allocated resource with a first resource manager, the first resource manager operable to manage the at least one allocated resource for the registering consumer (col. 3, lines 59-63; col. 6, lines 33-39); and

a router adapted to route a request requiring access to the at least one resource associated with the registering consumer to the first resource manager (col. 5, lines 31-37).

11. Takahashi did not teach pre-allocating resources. Patterson taught an allocator adapted to pre-allocate the at least one resource (col. 6, lines 35-48);

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi and Patterson because Patterson's method of pre-allocating resources would increase the efficiency of Takahashi's system by allowing the resource manager to guarantee a consumer the chance to handle a service request (col. 8, lines 6-12).

13. As per claims 2 and 27, Takahashi and Patterson taught the invention substantially as claimed in claims 1 and 23 above. Patterson further taught wherein the at least one resource is allocated to a consumer registering to use an application (col. 6, lines 24-28).

14. As per claim 3, Takahashi and Patterson taught the invention substantially as claimed in claim 2 above. Takahashi further taught wherein the application is available over a network (col. 3, lines 51-56).

15. As per claims 4 and 28-29, Takahashi and Patterson taught the invention substantially as claimed in claims 3 and 27 above. Patterson further taught wherein the network is the Internet (col. 4, lines 47-49).

16. As per claim 5, Takahashi and Patterson taught the invention substantially as claimed in claim 1 above. Patterson further taught wherein the at least one resource is allocated to a consumer registering to use a service (col. 6, lines 24-28).

17. As per claims 6, Takahashi and Patterson taught the invention substantially as claimed in claim 5 above. Patterson further taught wherein the service is available over the Internet (fig. 2; fig. 3; col. 4, lines 42-55).

18. As per claims 7, 8 and 9, Takahashi and Patterson taught the invention substantially as claimed in claim 1 above. Patterson further taught wherein the identifier is a computer process (col. 13, lines 16-19).

19. As per claim 25, Takahashi and Patterson taught the invention as claimed in claim 23 above. Takahashi further taught wherein the request requiring access to the resource is not necessarily routed to the first resource manager if the data associated with registering consumer has been replicated to one or more resource managers, the request being routable to the one or more resource managers to which the data has been replicated (col. 1, lines 37-61).

20. Claims 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of Takahashi.

21. As per claim 31, Patterson taught the invention substantially as claimed wherein a data packet (inherently comprised in a request) adapted to be transmitted between two or more computer processes (fig. 5; col. 6, lines 35-37), the data packet comprising:

information concerning pre-allocating one or more resources for access by one or more registering consumers (col. 6, lines 35-48).

22. Patterson did not specifically detailing the type of information in the data packet. Takahashi taught information including least one of: a resource type; a resource name; a resource capacity; a resource location; a resource availability; an association between a

resource and a resource managing component, and an association between a resource managing component and the registering consumer, the association between the resource managing component and the registering consumer operative to attract at least one registering consumer request routed from at least one resource not associated with the registering consumer (col. 1, lines 37-43; col. 3, lines 59-63; col. 6, lines 33-39) (e.g. "the home directory" is a resource location).

23. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Patterson and Takahashi because Takahashi's method of including the type of information would increase the security of Patterson's system by allowing user name to be registered at the resource manager in order to use the system (col. 1, lines 37-43).

24. Claims 10-11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi and Patterson in view of Makarios et al, U.S. Patent 6,401,125 (hereinafter Makarios).

25. Makarios was cited in the last office action.

26. As per claims 10 and 26, Takahashi and Patterson taught the invention substantially as claimed in claims 1 and 23 above. Takahashi and Patterson did not specifically detailing the type of requests. Makarios taught the identifier operable to receive Hypertext Transfer Protocol (HTTP) requests (col. 4, lines 30-38).

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Patterson and Makarios because Makarios's system of receiving Hypertext Transfer Protocol (HTTP) request would increase the field of use in Takahashi's and Patterson's systems by allowing a client to request for Hypertext Transfer Protocol objects (col. 4, lines 33-34).

28. As per claim 11, Takahashi, Patterson and Makarios taught the invention as claimed in claim 10 above. Makarios further taught wherein the identifier distinguishes consumer requests by examining at least part of a persistent client side hypertext file (cookie) (col. 3, lines 1-10; col. 4, lines 30-38; col. 5, lines 46-49).

29. Claims 12-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi and Patterson in view of Zadikian et al, U.S. Patent 6,631,134 (Zadikian).

30. Zadikian was cited in the last office action.

31. As per claims 12, 15 and 24, Takahashi and Patterson taught the invention substantially as claimed in claims 1 and 23 above. Takahashi and Patterson did not specifically detailing records of association information. Zadikian taught wherein the associator records association information concerning an association between the at least one resource and the first resource manager in one or more data structures (col. 21, lines 4-15).

32. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Patterson and Zadikian because Zadikian's method of recording association information would increase the efficiency of Takahashi's and Patterson's systems by allowing the resource manager to quickly determine a resource's failure (col. 21, lines 13-15).

33. As per claim 13, Zadikian further taught wherein the one or more data structures include at least one of, a table, an array, a list, a tree, a linked list, a hash and a heap (col. 21, lines 11-12).

34. As per claims 14 and 16, Takahashi, Patterson and Zadikian taught the invention substantially as claimed in claims 12 and 15 above. Zadikian further taught wherein the one or more data structures contain a mapping between the at least one resource and the first resource manager (col. 21, lines 4-15).

35. As per claims 17 and 20, Takahashi and Patterson taught the invention substantially as claimed in claim 1 above. Takahashi and Patterson did not teach accessing routing information. Zadikian taught wherein the router accesses one or more data structures containing routing information that facilitates routing the request associated with the registering consumer to the first resource manager (col. 5, lines 34-37).

36. As per claim 18, Takahashi, Patterson and Zadikian taught the invention substantially as claimed in claim 17 above. Zadikian further taught wherein the one or more data structures include at least one of, a table, an array, a list, a tree, a linked list, a hash and a heap (col. 21, lines 11-12).

37. As per claims 19 and 21, Takahashi, Patterson and Zadikian taught the invention as claimed in claims 18 and 20 above. Takahashi further taught wherein the one or more data structures contain one or more mappings for one or more consumers to one or more resource managers (col. 1, lines 37-48).

38. Applicant's arguments with respect to claims 1-30 and 32, filed 08/23/04, have been fully considered but are not deemed to be persuasive and argument with respect to claim 31 have been fully considered but are not deemed to be persuasive and moot in view of new grounds of rejection.

39. In the remark applicant argued that

(1) Patterson fails to teach an allocator adapted to pre-allocate the at least one resource in the aspect as claimed.

(2) Takahashi fails to teach an association between a resource managing component and the registering consumer, the association between the resource managing component and the registering consumer operative to attract at least one registering consumer

request routed from at least one resource not associated with the registering consumer as claimed in claim 31.

40. In response to point (1), Takahashi taught the invention substantially as claimed for pre-allocating at least one resource, comprising:

an identifier adapted to determine whether a consumer utilizing the at least one resource is a registering consumer or a registered consumer (col. 4, lines 16-25, 48-52, 59-66; col. 5, lines 11-17; col. 5, lines 66-col. 6, lines 2);

an associator adapted to associate the at least one allocated resource with a first resource manager, the first resource manager operable to manage the at least one allocated resource for the registering consumer (col. 3, lines 59-63; col. 6, lines 33-39); and

a router adapted to route a request requiring access to the at least one resource associated with the registering consumer to the first resource manager (col. 5, lines 31-37).

41. Takahashi did not teach pre-allocating resources. Patterson taught an allocator adapted to pre-allocate the at least one resource (col. 6, lines 35-48);

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi and Patterson because Patterson's method of pre-allocating resources would increase the efficiency of

Takahashi's system by allowing the resource manager to guarantee a consumer the chance to handle a service request (col. 8, lines 6-12).

43. Takahashi and Patterson in combination taught an allocator adapted to pre-allocate the at least one resource in the aspect as claimed.

44. In response to point (2), Patterson taught the invention substantially as claimed wherein a data packet (inherently comprised in a request) adapted to be transmitted between two or more computer processes (fig. 5; col. 6, lines 35-37), the data packet comprising:

> information concerning pre-allocating one or more resources for access by one or more registering consumers (col. 6, lines 35-48).

45. Patterson did not specifically detailing the type of information in the data packet. Takahashi taught information including least one of: a resource type; a resource name; a resource capacity; a resource location; a resource availability; an association between a resource and a resource managing component, and an association between a resource managing component and the registering consumer, the association between the resource managing component and the registering consumer operative to attract at least one registering consumer request routed from at least one resource not associated with the registering consumer (col. 1, lines 37-43; col. 3, lines 59-63; col. 6, lines 33-39) (e.g. "the home directory" is a resource location).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Patterson and Takahashi because Takahashi's method of including the type of information would increase the security of Patterson's system by allowing user name to be registered at the resource manager in order to use the system (col. 1, lines 37-43).

47. Patterson and Takahashi in combination taught the information including *least one of*: a resource type; a resource name; a resource capacity; a resource location; a resource availability; an association between a resource and a resource managing component, and an association between a resource managing component and the registering consumer, the association between the resource managing component and the registering consumer operative to attract at least one registering consumer request routed from at least one resource not associated with the registering consumer [i.e. Patterson and Takahashi in combination taught the information including a resource location (e.g. the home directory) (col. 6, lines 33-39)].

48. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications form the examiner should be directed to Philip Lee whose telephone number is (571) 272-3697. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee

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